

*Richard Goold*  
*Kilkee*  
*March 13<sup>th</sup> 1865*

“LIFE AND DEATH

OF

THE IRISH PARLIAMENT”:

BEING THE SUBSTANCE OF TWO LECTURES DELIVERED IN  
THE METROPOLITAN HALL, DUBLIN, BY THE RIGHT  
HON. JAMES WHITESIDE, Q.C., LL.D., M.P.,

REVIEWED AND CORRECTED

BY THE

REV. SYLVESTER MALONE, C.C.,

KILKEE.

DUBLIN:

JOHN F. FOWLER, 3 CROW STREET:

AND ALL BOOKSELLERS.

1863.

PRICE ONE SHILLING.

J. F. FOWLER, PRINTER,  
3 CROW STREET, DAME STREET,  
DUBLIN.

17 Nov 28 Van

328.415  
W582 Yim

## P R E F A C E .

---

ON reading Mr. Whiteside's lectures in a pamphlet form this week, I find them different from what the journals reported them; and, as the *Times* of the 20th or 22nd declared it gave the lectures *verbatim*, I am to presume that, on reflection, Mr. Whiteside corrected some errors. Too many still remain, especially in connection with the celibacy and working of the Catholic Church in Ireland. Being urged by some friends, I throw off the following pages, in the hope of dispelling some particles in the atmosphere of error in which our Protestant fellow-countrymen live, and to give more correct views to some Catholics, who are as eminent in the social scale as ignorant on the celibacy of the ancient Church. Owing to the name he enjoys, too much importance, I was afraid, would attach to the remarks of Mr. Whiteside—far too much, because his lectures

p. 560.00

appear to me to be a tissue of misstatement, misrepresentation, bigotry, and shallowness. His aim, to my mind, was to have a laugh at the Catholics, and make all ashamed of the Parliament, and so, averse to Repeal. He chose a subject to attract the many, and treated it in a way to please the few.

SYLVESTER MALONE.

*Kilkee, Ash-Wednesday, 1863.*

## CHAPTER I.

Mr. Whiteside's unphilosophic introduction of the subject-matter of  
Lecture—His irrelevancy and bigotry—The celibacy of the ancient  
Irish Church established—Objections met—Its connection with Rome.

It is very usual with historians or essayists, before introducing their readers to a certain period under review, to give a general outline of the period that preceded. Such a course has been found useful, if not necessary, for the appreciation of facts to be submitted to consideration. This utility or necessity is the more felt in proportion as the time which a writer takes up forms an epoch. Because, after all, a great deal, if not everything, depends on contrast. We think the present strange only because it differs from the past. Our estimate of what we have depends on the value of what we exchanged it for. One might naturally expect, then, from Mr. Whiteside, when giving an account of the origin of the Irish Parliament, that he would allude to the form of government it replaced. His readers not unreasonably expected that he would represent each of the petty kings of Ireland as so many petty tyrants, and the chief king as a monstrous despot, in order to increase our appreciation of English law. It was thought, if his knowledge of the ancient history of Ireland were not deep or accurate enough to serve for a description of its laws and form of government, that he would fall back on Tacitus' account of the manners of the German barbarians, and apply the picture to the Irish. Or, if the picture required being pleasantly shaded off, and that he chanced to learn from Guizot, in his *History of European Civilization*, that states borrowed the idea of representative government from the Church, he might have placed the Irish, in their mode of legislation, merely a few removes from utter barbarism. Mr. Whiteside,



however, did not give us an idea of the first half of the twelfth century, nor of the eleventh century; but, unfortunately for himself, to gratify a low bigoted prejudice, carries us back to the fifth century. He there puts forward a statement impertinent, irrelevant to the subject on hands. But, unpardonable as it was in him to wander from his subject, I hope for indulgence, kind reader, in turning from the Irish Parliament, my aim being to follow him in his wanderings, and review his statements. In page 11 of his pamphlet, he says, that "the Church of Ireland was a free and ancient Church, held its synods, that in one of these it was ordained, at which St. Patrick presided, that priests should have wives", and concludes as illogically, as clumsily, and inelegantly, that "by the practice of the ancient Church of Ireland, and, *perhaps*, of St. Patrick, we are assured the Scripture was not contradicted by the ancient Church in Ireland, and that the clergy were wisely married men".

Truly the ancient Irish Church did not contradict the Scriptures, but, at the same time, acted quite oppositely to what he imagines. If Mr. Whiteside means a probability by "*perhaps*", speaking of St. Patrick in reference to marriage, he says what is utterly false. There is not the slightest probability, not a shadow of proof, in favour of the insinuation. In the sixty-five lives written of him, there is the minutest, most detailed account of his birth, of his education, of his companions, of his staff, of his reliquary, of his long and chequered and glorious career, of his relatives,\* of his death, but not a tittle to favour his insinuation, which no Irish scholar would seriously throw out for a moment. In the absence of all other proof, we might with the greatest certainty presume, that St. Patrick, if opposed to the celibacy of the clergy in sentiment or action, would never have received consecration, or a sanction as missionary from Rome. That the clergy were not married

in the ancient Irish Church is made certain from the penitential canons. Some of these, drawn up by Cummian, who lived in the first half of the seventh century, decree,\* "That if a cleric or monk, after consecrating himself to God, shall return to his secular habit, or marry a wife, he shall do penance for ten years, three of which he shall spend on bread and water, and shall ever abstain from the use of marriage". Look again to the scale of penances graduated by St. Columbanus, who lived in the sixth century. He speaks in the twentieth canon of those who had wives when ordained: "If any cleric or deacon, or one of any ecclesiastical dignity, who after his conversion again knows his wife, let him be assured that he has committed adultery, and sinned as grievously as if he had been a cleric from his youth, and as if he had sinned with a stranger; because he sinned after taking a vow, by consecrating himself to God, and made void the vow. Therefore let him do penance on bread and water for seven years".† To the same purpose are the rules laid down in the Irish liturgy, and most probably brought to Bobbio by the same Columbanus:‡ "If any cleric who was married, knows his wife, after being raised to the ecclesiastical dignity, let him know he has committed adultery. The inferior cleric must do penance on bread and water, for four, the deacon for six, priest for seven, and a bishop for twelve years".

Ecclesiastical celibacy in the ancient Irish Church is established by an irresistible mass of evidence, that all the sophistry of pleaders on either side the Channel cannot set aside. The express canons, the incidental practices of the Church, the constant traditions support it. Who could doubt the opinions of St. Gall in Switzerland, of Columbanus in France and Italy, of St. Columba among the Northern Scots? No objection was

\* Dupin, *Bibliotheca Patrum*, tom, 12.

† Ibid., p. 21, *de mensura pœnitentiarum*.

‡ *Nouveau Traité de diplomatique*, 1757; Dr. Lanigan.

ever made by Rome to their notions of ecclesiastical celibacy. And yet the slightest difference on a comparatively immaterial point is noticed. A small deviation from the Gallican Liturgy is spoken of, in reference to Columbanus in France; the rather bold tone he assumes in addressing the Pontiff on the "Three Chapters" does not escape censure. The learned Virgilius, an Irishman, brings trouble about his ears, because, in hinting the sphericity of the Earth, his notions did not square with those of his archbishop, Boniface. Never, as I said, was the least suspicion whispered against the purity of doctrine and practice of the Irish missionaries on clerical celibacy. It is a well known fact that St. Augustine in the conversion of England availed himself of the services of the Irish. Now, I put it to any man of common sense, would such be the case if the Irish Church did not agree with the centre of unity on such an important point of discipline as ecclesiastical celibacy? Certainly not. He would no more have done so than a missionary now from All Hallows or the Propaganda would beg the coöperation of the Archbishop of Canterbury or Dr. Colenso. Why, the Catholic Church allows the most public veneration, allows Offices and Masses in honour of those saints, the fathers of the Irish Church—to Saints Columba, Kevin, Canice, who were born before St. Patrick was well cold in his grave. And need I tell my reader that such honours would not be allowed, that they would not be put forth as bright examples for the imitation of the faithful, if they had offered any opposition to Rome on a point of discipline, the breach of which incurred, as a matter of course, the penalty of the heaviest excommunication. Even the calumniator, Gerald Barry, had to acknowledge that the Irish clergy were famed for chastity. Even the English archbishops, Lanfranc and Anselm, in writing to the Danish bishops of Waterford\* and Dublin and Limerick—as the latter put

\* See Ussher's *Sylloge*.



themselves under the protection of the English bishops, as being Normans—never, amongst the several abuses alluded to, is there the slightest reproach made on the non-observance of ecclesiastical celibacy. And this happened after the Danish invasions. By these invasions the bands of discipline were relaxed, the sanctuary was profaned and deluged with blood,\* the cloister was rifled, the primatial see was usurped by laymen for nearly two hundred years†—and yet, after the storm had blown by, the Irish Church on the whole was found pure. Wherever immorality entered the sanctuary, it was not without trouble the tide was stayed or the evil stopped. To do so, required the efforts of popes, and often they had to sink into their graves before their work was done. It might have been completed by their successors, but never without noise and without an effort. No noise was made, no trace of an effort by Rome, to bring about a thorough harmony of feeling and practice in reference to ecclesiastical celibacy in the Irish Church. And as surely as there may be a necessity for such a step, so surely would it be accompanied by noise or resistance.

In fair play, however, I will bring forward the only objection worth notice against the celibacy of the ancient Irish Church. It is the strongest I have ever met with, and my line of reading brought more under my notice than probably fell in the way of Mr. White-side. It is given by d'Acherry, by Martene, and by Sir James Ware (*Opuscula Scti. Patricii*). It runs thus: "If any cleric, from the doorkeeper up to the priest, shall be seen without being habited in his tunic, in order to conceal his nakedness, and if his hair be not shorn according to the Roman manner, and if his wife walk forth with unveiled head, let them be despised by

\* Armagh was plundered eleven times by the Danes, and burnt five times.—Archdall.

† St. Bernard's *Life of St. Malachy*.

the laity, and separated from the Church". Does this prove that priests were allowed to marry? Certainly not; it would rather prove the contrary. Is it reconcilable with ecclesiastical celibacy? Most certainly. And first, the mention of the "veil", to my mind, points to a profession of chastity. The "veiling of the head", or "taking the veil", in ecclesiastical language, means a profession of religion or chastity. Now supposing—though some deny it\*—that the canon was drawn up in the middle of the fifth century, yet the "taking of the veil", even so early, was in use for the religious profession.

Was the veiling of the head a civil ceremony? No.

\* I dissent with reluctance from Dr. Lanigan and Villeneuve. The former cannot necessarily infer the spuriousness of the canon from mention of the tonsure. It is not necessary to suppose that the clipping of the hair was anything more than what propriety or decency called for; nor is it necessary to suppose that the Roman custom is introduced in opposition to the oriental, but rather to the barbarian custom of letting the hair grow long. St. Jerome says that the clerics ought to distinguish themselves, by the cut of the hair, from the barbarians or Goths, who wore it long. The custom of the ancient Romans was to wear the hair short; and this practice, common to the Romans, laics and ecclesiastics, was recommended by St. Jerome. On the other hand, he would have them not shave the head all over, like the priests of Isis and Serapis. Besides, the canon alludes to the impropriety of having the clothes fit too tightly to the body, but recommended the full, flowing garment. Now this, certainly, was not to conform to any precise canon or fashion of Rome, but to follow the natural dictates of propriety. More than that, Fleury (*Institution au Droit Ecclesiastique*) observes, that in 428, just four years before St. Patrick came to us, Pope Celestine said that the dress even of bishops in their civil actions did not differ from seculars. St. Jerome, in his letter to Nepotien, says the same thing. But, while I may say that there was not necessarily mention of the tonsure as an ecclesiastical rite, so I may with great probability say, against Villeneuve, that the Roman *tonsure*, as such, was not known in Ireland; for, if once introduced, it would not have been given up, such was the respect for St. Patrick and Rome. To repeat, the object of the canon was to prevent the wearing the hair long—the "coulin", to which the Irish were so attached; as it was the object of St. Jerome, about the same time, to prevent ecclesiastics from imitating the barbarians rather than the Romans.

Because we know, whatever may have been the custom in the east, that in the west, and especially in the north, it was not usual for females to be veiled in the fifth century, I am certain it was not usual for the Irish females to be veiled. If it were in a Church merely, or on some solemn occasion, that the woman was ordered to be veiled, there may be room for discussion. But when in her ordinary actions, in her hours of recreation, she was to appear with the head veiled, and when it was not customary, does it not afford the presumption that it was not a mere civil unspiritual action? And then, when we consider that the neglect of wearing the veil led to her being cut off from the Church, can we doubt that it was deemed a grievous transgression? If Mr. Whiteside be not able to object, you, gentle reader, may ask, was not the ceremony of the veil in the profession of a nun introduced in the course of time by the Church, and perhaps not in use at the time spoken of? Well, from the end of the fourth or beginning of the fifth century its use was quite common.\* In 352, just a hundred years before the so-named canon of St. Patrick, Marcellina, sister of St. Ambrose, received on Christmas Day the veil from Pope Liberius. St. Ambrose,† speaking of virgins, says: “I do not deny that much caution should be used by the Church before a girl be rashly veiled”—*Temere velatur*. Optatus‡ blames the Donatists for making the virgins throw off their veils. He says: “Now it is very foolish and vain to make the virgins change from *their heads* the veils, marks of a vow long since made, in order to make them do penance”. Then, too, we have the Pontiffs, Innocent§ and Gelasius,|| use the phrase, “covered with the veil”, as synonymous with a religious profession. They say: “These who are not as yet

\* Academy of Inscriptions, t. 5, p. 173, in duodec.

† Lib. 3, p. 112.

‡ Contra Parmenionem, lib. 6, p. 96.

§ Epistle 2, ad Vitric, c. 13. || Ep. 9, ad Episcop. Lucaniæ, c. 14.



covered with the sacred veil", etc. Even the Lutheran Bingham allows that the sacred veil was synonymous with religious profession, and given not only to virgins, but to widows.\* Now, it may be seen how the canon mentioning the veiled wife, if it does not clearly prove the celibacy of the clergy, is surely reconcilable with the wholesome discipline that I have established by irrefragable proofs. It may appear strange, but it is what could be done at the present day, if need were, agreeably to the opinion of all Catholic theologians and the letter of the canon law.† It says : "No married person is to be promoted to holy orders, unless with the consent of the wife, who must vow continence". How foolishly then indeed would one infer at the present day the absence of celibacy from the above canon. The necessities of the Church would reduce the canon to practice at the present day. But how much greater the necessity for allowing married men to the service of the Church in her infant state, while the former wives took the veil. It was peculiarly necessary in Ireland. The conversion of the people as a nation was rapid beyond precedent. The harvest was great, and required many labourers. It were long to wait to have the young grow up. A spirit of zeal seized the married after conversion. The wife contracted chaste espousals with the Heavenly King. The goodness, the merits, the learning of the husband, marked him out as a fit minister for the altar. Synesius, who was consecrated Bishop of Alexandria during the life of the wife, represents such a class. Dr. Lanigan, then, in meeting the objection from the Irish canon given by me, lay under no necessity of saying, that it did not necessarily include the priests. But no inconvenience would follow, though it did include even the priests and bishops. Look over the canons drawn up at the Council of Tours, in the year

\* De Originibus, B. VII, c. iv., and quotes the 27th Canon of the Council of Orange.

† Ex Capit. Conjugatus, de Convers. Conjug.



565.\* Amidst several bishops composing the council, we meet with Saints Germanus of Paris, and Prætextatus of Tours. Now, the twelfth canon states, "that a married bishop ought always be accompanied by clerics, even in his chamber, and so separated from his wife that her servants could have no communication with his servants. The priest, or deacon, or sub-deacon, found in company with his wife shall be under an interdict for a year". Well, then, if Saints Germanus and Prætextatus, such bright examples and upholders of clerical celibacy, legislated for a married bishop, and for the living wife, probably in the same house, as may be inferred from reading the entire canon, how could any man in his senses say that the Irish clergy were not bound to continence, merely because the wife, and not mentioned as being in the same house, was obliged to wear the veil? Something, however, by way of objection—not that I anticipate it from Mr. Whiteside—may be urged. It may be asked, if no intercourse were to be between the cleric and the former wife, why not have the latter lead a conventual life, when the husband took holy orders? especially as some conventual houses, not improbably, were founded at the time under consideration. Perhaps she could have done so, but it was not necessary, or even usual. For this we have the authority of Fleury. "In the first ages", he says, "virgins consecrated to God lived, for the most part, with their parents, never stirring out unless to go to church, where they had a place separated from other women".† So it was in Ireland; for we read in the life of St. Bridget, by Cogitosus, that there was a place reserved for the nuns at one side the sanctuary, away from the other women, while the clerics were at the other side. And this arrangement was found convenient a full century after the canon in dispute was passed, and when there was ample time, one

\* Tom. 5th of Councils, p. 857, quoted by Alletz, p. 392, dic. of Councils.

† Mœurs des Chret., n. 26.

would think, for systematizing and perfecting conventual arrangements. We have even stronger proof of the non-necessity of conventual enclosure. In 633, nearly two hundred years after the enactment of the canon of St. Patrick, a General Council was held at Toledo. It was composed of sixty-two bishops, of whom five were metropolitans, and presided over by St. Isidore of Seville.\* Now, the fifty-sixth canon ordained, "that women taking the habit from the bishop need not enter a convent, that they were religious to all intents and purposes, and that they could not marry". Even so late as 721, the like legislation was necessary. Whoever married the wife of a priest, even after his death, incurred excommunication.† If, then, in Spain, that is supposed to have received the faith from the apostles, in France, even in Rome, the mother of churches, legislation about a married priest became necessary nearly three hundred years after the like legislation in Ireland immediately after its conversion, what wonder we meet, and I never met with it more than once, with the mention of a priest's wife during the life of the cleric? It meant *generally* that the wife either died before the ordination of the husband, or, *as in our case*, that she died morally by taking the religious veil. We may suppose, from the practical turn of St. Patrick, that he trained the youth for the altar, and prevented the necessity of pressing the old into the service of the Church. But the Church still would legislate for what would be but of rare occurrence, for what would happen only once or by a miracle.‡ The churches of Elvira, Toledo, Orange, Arles, Tours, Agde, and Orleans used language more calculated to excite our suspicion of their love of ecclesiastical celibacy than what was used in the Irish Church, and yet they unflinchingly upheld clerical celibacy.

The Irish Church "was a free Church, too". It was

\* Tom. v. Con., p. 1702. † Tom. 6th Con., p. 1455.

‡ See Rubrics of Mass on the miraculous disappearance of the host.

free from Anglo-Saxon control or interference. But though Mr. Whiteside did not speak out plainly to the mass, he was understood by a certain clique. Those reading the account of the Irish Church by such Protestants as Dr. Mant and King, are insulted by being told that, till the coming of the English in the twelfth century to Ireland, or the Synod of Kells, the authority of the Roman Pontiff was unheard of. Now, one of the canons at the so-called Synod of St. Patrick decrees: "That if any difficult cases arise, that cannot be decided by the Irish Church and the See of Armagh, let them be referred to the Apostolic See".\* Ireland, than which no nation is more tenacious of its practices or faithful to its traditions, was not likely to forget the lesson of its apostle. Hence, nothing but the authority of Rome could prevail on the Irish priests and bishops to give up the paschal computation as left them by St. Patrick. St. Columbanus, whose boldness of language is only equalled by his respect for the Holy See, addresses Pope Boniface as "the most honoured head of all the Churches in Europe, dearly beloved pope, the exalted prelate, shepherd of shepherds". "We are", he continues, "disciples of Saints Peter and Paul, and of the divinely inspired writers, admitting no doctrine save what comes down from the Gospel and apostles. The faith is inviolate which has been transmitted to us by you, the successors of the apostles. We are attached to the chair of Peter; and though Rome be great and renowned, we esteem it so, only because of *that* chair. On account of the twin apostles you are almost Heavenly; and Rome is the head of the world and of churches".† There were legates appointed from time to time, as David in the sixth, and Gillebert in the beginning of the twelfth century.‡ Of course there was

\* Ware, Ussher, Martene, D'Acherry.

† Mabillon, *Critica in Annal. Baron.* 613.

‡ Ware, *Ulster Annals*. I am surprised Dr. Lanigan would represent Gillebert as the first Irish legate.



not the same communication between Ireland and Rome in the earlier as in later ages. It was not easy, on the death of each bishop, to despatch messengers or letters for confirmation from the Pope; but the Pope could commission the metropolitan or the senior bishop to give canonical institution without reference to the Holy See at each vacancy. Such was the case, on account of the distance and difficulty of communication. Such had been the case in reference to countries that lay nearer to Rome than Ireland. Pope Honorius wrote to the Archbishops of York and Canterbury, Honorius and Paulinus, gave them the palliums, and leave that one, on the death of the other, should appoint a successor to the deceased, and invest him with the pallium, on account of the distance of place.\* We have, then, the earliest Irish canons, drawn up by the great apostle, recommending connection with and submission to Rome. These were acted on in the life and writings of the saints and doctors of the Irish Church. The Irish Church was free, and is free—no creature of the state. Its ministers do not owe their advancement to flattering the vicious, or crouching to the tyrannous and the great. They are no mere decent police for the preservation of power. They derive their authority from no civil sanction, and defy the mightiest earthly potentate to unfrock them. The Irish Church is free, because subject to the chair of Peter. There is freedom in that subjection, because rational, and founded on legitimate law and religion. There is slavery in the absence of respect for and obedience to that chair; and whenever the link is snapped binding one to it, one is laid at the mercy of a lay pope, whether in England, in Russia, or Constantinople. I am reminded of a savage roaming without restraint through the desert or forest, without any laws but what the wild passions dictate, who boasts that *he* only enjoys the freedom for

\* Epistle 6th, in the reign of King Edwin.



which man was created. The pity of the prodigal child for his more sensible and dutiful brother, is not unlike what Mr. Whiteside affects to feel for us. He may very well spare his pity in our regard, and extend it to Dr. Colenso and his own.

---

## CHAPTER II.

Henry's visit as a conqueror, not as a courteous tourist—No conquests before him—His character—Misrepresentation of Mr. Whiteside—Unfair quotation by mutilated passages—The desire of plunder, not reformation, the motive of Henry's visit—Contrast between Irish and English Churches—Mr. Whiteside's blunders in reference to Councils.

HAVING occupied myself in the last chapter with showing how *false* were the assertions of Mr. Whiteside in regard to the Irish Church, you will not be surprised to find proof of a good deal of his *misrepresentation* in the present chapter. And, indeed, unless you bear in mind his aim, his object, you cannot well understand his introduction of a variety of matter. To make us venerate the memory of Henry the Second, for giving him a parliamentary and *physical* constitution (how nearly related is he to Henry?), and to neutralize that alienation of feeling we should entertain towards him as a conqueror, he tells, p. 9-10, that Henry's visit was quiet and courteous. Of course, having used Cooke's name as a sort of talisman, a "demiourgos", to work wonders with, and enchant us in ecclesiastical regions, now at once he is brought forward to prove that Henry was no conqueror. King Edgar, according to him, mastered the greater part of Ireland in the tenth century. Allow me to assure Mr. Whiteside that Edgar made no conquests. He was styled the "peaceable". During the sixteen years of his reign he carried on no war, abroad or at home. So far from mastering Ireland, he was not

master of England. It was on condition of allowing the Danes to have their own laws that he secured anything like allegiance.\* He had to fit out a fleet of three thousand boats yearly to check their depredations in the north, though, indeed, without ever bringing it into action, its appearance was enough to insure order.† It may not be denied, indeed, that there is mention of Ireland as subject to him. But this arose from the fact that the Danes were in possession of a great part of Ireland, and particularly the maritime towns, and as the Danes in Northumbria made a show of submission to him, he thought, or they thought, their countrymen in Ireland may be included. In fact fifty years had not elapsed when Brien the "brave" had to engage in a death struggle with them. King Edgar's successors sent no help. Why, England was overrun with Danish hordes at the time. By the way, one northman was deemed a match for ten Englishmen.‡ Brian Boroimhe fought and fell, but conquered, yet a few cities were left to the Danes. Even two hundred years after, the love of kindred shown by the Danes in having their countrymen in Ireland mentioned in King Edgar's charter, was still manifested. For the Bishops of Dublin and Waterford, in the possession of the Danes, asked consecration from the Norman Archbishop of Canterbury, with whom they claimed kindred.§ Edgar, then, was not conqueror of Ireland; and the Danes themselves, the very descendants of those who called, or allowed themselves to be called, subjects of Edgar, fought desperately against the English sent by Henry the Second.

Can we forget the bravery of the citizens of Dublin, the heroic efforts made by the saintly patriot, Laurence O'Toole, who, as some say, buckled on armour, but, by the admission of all, went among the dying to rescue them from the heel of the oppressor, and give them the

\* Lingard. † Malmesbury, 33.

‡ Serm. sup. apud Hickes, 103, Ibid. § See Ussher's *Sylloge*.

last rites of the Church? Can we forget the scenes that were enacted at Reginald's Tower? How, with what face can Mr. Whiteside say that no opposition was offered to Henry? No resistance was offered to him personally, because the work was done by his subject adventurers. Molyneux—and I could wish Mr. Whiteside his love of country—may have said that Ireland was not conquered, in order to insist on the rights of a free nation. We all can say that it need not have been a conquest. MacMurrough, King of Leinster, need not have been a traitor and in the camp of the enemy. The Northerns need not and should not have given grounds for suspicion of their fidelity to Roderick, Monarch of Ireland, and so caused them to be sent away from his ranks. Roderick, thus deserted by the Northerns, might have staked the fate of the country on the issue of a battle. None of these things occurred that might have united the Irish and driven the invader into the sea, but we can't help admitting that Ireland was conquered. If it could, it would have expelled the stranger. There was scarcely an interval of five years between the risings in the several parts of the country (not simultaneous, indeed) during four hundred years. As ill luck would have it, no one thought of combining with the neighbour till the danger or grievance came to his own door. As soon as the foe had trampled out any rising for independence in one part, they were prepared to face opposition in another. Need I speak of the partial, and therefore unsuccessful efforts in later ages? I know of only one occasion when there was made what might be called a general stand. I allude to the rising, in 1642, of the natives in union with the Pale. The result was, that there was scarcely a fortress left the English during the few months of harmony between the old and new families. United, I repeat, they may have swept the stranger off the land



on many occasions; but they were not, and the consequence was the pressing the yoke the more tightly, by each unsuccessful effort, about their necks. Henry's visit was unacceptable. He came to fasten the yoke thrown over the natives by his bold adventurers, or rather by the disunion of their adversaries. No nation ever gave so many unmistakeable signs of the impatience with which that yoke was borne. It is, then, quite correct to say that there was a conquest. It is no misnomer, as Mr. Whiteside maintains. To say anything else is but an euphemism, the toning down, softening the harshness with which the word "conquest" grates on the ear. It is not willingly that five-sixths of the population at the present day submit to the laws as administered by English officials. Such was the case in the days of "Cambrensis" or Gerald Barry. With propriety, then, did the same Gerald write a book entitled the "Conquest of Ireland". Henry the Second then *was* conqueror. He gave the title of kings to the petty princes, because he could not help it, because his conquests extended only over three or four counties; nor, after many changes, now extended, now contracted, did they include a larger territory at the beginning of the sixteenth century.\* But let us hear the amiable character drawn of this "no conqueror" by Mr. Whiteside. He pretends to take his colours from Gerald Barry, who came over to Ireland as tutor to Prince John:—"Henry the Second, King of England, was of a very good colour, but somewhat red; his head great and round, his eyes fiery, red, and grim, and his face very high-coloured; his voice or speech was tremulous, his neck short, his breast broad and big; strong-armed; his body was gross, and his belly somewhat big, which came to him rather by nature than by any gross feeding or surfeiting, for his diet was very temperate, and, to say the truth, thought to be more spare than comely; and yet, to abate his

\* *Liber munerum.*



grossness and to remedy this fault of nature, he did as it were keep a continual war with himself. He was learned, affable, gentle, courteous, besides so pitiful, that when he had overcome his enemy, yet would he be overcome with pity" (p. 10). Who would not fall in love with such a character? But we know that Gerald Barry could speak different language when Henry was dead. Many of us wish to flatter the powers that be. Now what does another writer, Peter of Blois, say of him?—"Henry was like a lion when angry, and chewed the straw like a madman. He scarcely ever forgave those he hated". And let me turn to the same man from whom Mr. Whiteside pretends to give a likeness of Henry:—"He disregarded the obligation of an oath, plundered churches, and persecuted her ministers".\* Mr. Whiteside, instead of painting him in these dark colours, represents him in the brightest light. To give these partial views, half truth, may suit a pleader, but is quite unworthy the impartiality of an historian. It is more unmanly, more dangerous, because sometimes difficult of detection, than gross, un-mixed falsehood. This same Henry, while he came to take care of Ireland in 1161, kept on his hands, for his own benefit, one archbishopric, five bishoprics, and three abbeys.† How reconcile with his forgiving disposition and courtesy the murder of the Archbishop of Canterbury, who stood up for the independence of the Church, and whom he pretended to have been reconciled with by honouring him before the nobility? How reconcile the unrevenged spirit, a stranger to anger, attributed to him by Mr. Whiteside, with the ungenerous persecution of St. Laurence O'Toole? St. Laurence did what man could do to avert calamity from his country, and when he could not prevent, he broke the fall of the nation. He went to stipulate for the making or fulfilment of favourable terms for the

\* *Hib. Expugnata*, ch. 45.

† Madox, 209-212.

unfortunate monarch of Ireland. So taken with his character is the Protestant Archbishop Ussher, his noble lineage, love of country, love of his neighbour, of self-denial, that he appears to have forgiven him for his saintship with which the Catholic Church has honoured him.\* Now the saintly, patriotic Laurence, having pleaded strongly the cause of Ireland and her unfortunate monarch, he was forbade by Henry returning to Ireland. He had to go to Normandy. Persecution preyed on his spirits, a fever ensued, and he died in a strange land because he loved Ireland, and pleaded her cause before her oppressor.

Now that we have seen that Henry could be received only as conqueror in Ireland, and that his real character must be drawn in unfavourable colours, I go to consider what, according to Mr. Whiteside, he did while in Ireland. He says (p. 10, pamphlet), that before Henry left Ireland, "he caused obedience to be sworn to him in a council at Lismore, and in a general council held at Cashel, rectified many abuses in the Church agreeably to the laws of the English Church". In the first place, there was no council held at Lismore, either during the stay or after the departure of Henry, in that century. Secondly, there was no general council in Cashel, nor did the king assist at it. He was in Dublin when it was held. Hoveden, indeed, would lead a superficial reader to think it was general, because he there takes an occasion to give a list, and curious one, of the Irish sees.† So far from it being general, that the primate, Gelasius, was not present, though he went through a visitation in Connaught the same year. If you except the Bishop of Clogher, whose prince yielded to Henry, none of his suffragans attended. How, then, could it be called a general assembly of the

\* See Usher's *Sylloge*.

† He gives Cellumbrathensis. I would wish to know from Mr. Whiteside what does that mean.

clergy? Again, what were the abuses rectified? We can judge from the remedies prescribed, from the canons that were enacted:—1. That marriages should not be with relatives by blood or marriage. 2. That baptisms should take place in church. 3. That all the faithful should pay tithes. 4. That all ecclesiastical lands should be exempt from the exactions of laymen, and that victuals and entertainment should not be required by laymen. 5. That a priest shall not pay a fine for a murder committed by a relative—eric it was called. 6. That, after making confession, dying persons divide their property between children and wife, and leave the third part for burial expenses. 7. That all things be done according to the rite of the English Church.\* Now, canons to the same effect were often passed in Irish synods before. There may have been a difficulty of their being generally acted on, owing to the confusion of the times and want of consolidation of the provinces into one kingdom. But though the canons did not originate with the English, yet if they afforded a greater facility of reducing them to practice, we could forgive them. But no. The impediment of relationship to the seventh degree was difficult of observance, so that it had to be reduced to the fourth degree in the universal Church. It was peculiarly difficult of observance amid the system of clanship in Ireland. However, we know that the bishops might have got leave to dispense in the impediment. The baptism of children at the church was not necessary, though seemly; and often since that time the Saxon put it out of our power to baptize in church or in the mountain cave. Tithes were partially paid before the coming of the English,† and their more general introduction after, led to many feuds, to bloodshed and

\* Wilkins, vol. i., p. 472. I don't know should the seventh be made a distinct canon.

† D'Acherry, in his *Spicilegium*, says the Irish paid tithes according to the ministrations. Dr. Lanigan, vol. iv.



death.\* Ecclesiastics had been exempted from accompanying the chief to wars so early as in the year 779;† and I am sorry to have to say, the English ecclesiastics marshalled their countrymen for war from time to time in Ireland;‡ and down so late as the year 1503, we find an agreement entered into by the friars of Kilcormick and Theobald, son of Donogh, on the other hand, binding the former to feed four persons, or give food in each quarter of the year.§ The exemption from eric, as regarded the priest, prevailed full three hundred|| years before the invasion of Henry. The decency of burial, and the interests of the relatives of the deceased, were legislated for even in the days of St. Patrick.¶ One-third of the property went to the church where the burial took place, or one-sixth if the family church were different from the burial church, and the remaining two-thirds given to the surviving relatives. Then with regard to conformity in ritual practices with the English Church, that, too, was not carried out.\*\*

The regulations then made at Cashel did not rectify abuses; they were not original, they were not carried out, and they regarded matters of discipline. Every step was taken to prevent abuses before the Anglo-Norman invaded Ireland. In 1152, there was a gene-

\* Gillebert, in a sort of compendium of canon law, speaks of tithes. *Sylloge* of Ussher, p. 85. See Harris' Ware, Bishops of Lismore and Waterford.

† See *Annals of Four Masters*, ad annum, and *Moore's Ireland*, vol. ii., pp. 16, 55.

‡ The Irish were thrown into confusion by a wound received on the part of Ryan, an Irish chief, in 1171, from an arrow shot by an English cleric (Leland, book i.); and in the thirteenth and fourteenth centuries, the Bishops of Dublin, who were chief justices, led on the English to battle.

§ *Irish Archæological Miscellany*, vol. i., p. 104.

|| See *Cambrensis Eversus*, vol. ii., p. 548, note, as edited by Rev. M. Kelly.

¶ Seanchus More quoting the acts of St. Patrick.

\*\* See the *Martyrology of Christ Church*, published by the Irish Archæological Society.



ral national council held at Kells, at which Paparo, the Pope's legate, presided.\* In the year 1157, a council was held at Mellifont, at which were present eighteen bishops. In 1162, Gelasius, the primate, presided at a council held at Clane, County Kildare.† In fact, as Leland observes, councils were of yearly occurrence since the synod of Kells, so much so as to justify the supposition that all efforts were made to have the bull of Adrian the Fourth not acted on—to leave no grounds for censure.‡ No abuses were to be rectified, but much disorder was induced. Listen to what the author quoted by Mr. Whiteside himself says. Gerald Barry says, “that the cathedral churches mourn, having been robbed by those who came over, of the lands given them, and ample estates, by the devotion of the Irish; and that while nothing new was conferred on the Church of Christ in our new principality, so far from thinking it worthy of new honour, that having taken away its lands, we abrogated its former dignities and privileges”.§ A very low standard, indeed, for the Irish Church to take the English for its model, as Mr. Whiteside says in p. 11. If love of reformation, and not plunder, impelled Henry the Second, he had enough to occupy him at home. Just three years after the Council of Cashel, a council was held at Westminster in the year 1175. It was on the Sunday before the Ascension. The bishops met to devise some means against the enormities that were incessantly cropping up in England (*pullulant incessantur*). They legislated against concubinage of the clergy, against receiving money for the administration of communion, baptism, confirmation, etc. Laws were made against private marriages, against consecrating in tin chalices, also against the administering communion in a way that

\* Grace's *Annals*; Ussher (who puts it at Mell); *Diceto*, Colgan, app. 7th.

† Harris' *Bishops*. ‡ Leland, book i., ch. 2.

§ *Hib. Expug.*, preface, book ii.

savoured of heresy.\* Hence we find clergymen of this immoral stamp sent over in the train of Henry. The calumniator of the Irish, Gerald Barry, acknowledged in full synod, that the Irish clergy were always famed for the purity of their lives and observance of ecclesiastical celibacy. And it is a generally known fact, that a complaint was made by the Bishop of Ferns in synod,† that the English ecclesiastics were tarnishing the purity of the Irish Church, and that one hundred and fifty were sent to Rome for absolution by St. Laurence O'Toole.‡ Such missionaries for the reformation of Ireland, how suggestive are they of the Bible-readers and missionaries of our own day sent to enlighten the Irish ! Nor were or could the laics be better. Hervy de Montmorris hurled scores in cold blood from the rock of Carrick. Philip of Worcester was distinguished by cruelty and oppression, "eating meat in mid-Lent", to the scandal of the faithful. Hamo de Valois robbed the church of Dublin. John, Earl of Moreton, kept the sees vacant from cupidity. De Lacy plundered Clonmacnoise, and was struck dead by some peasant shocked at his profanation of a monastery; and this same De Lacy had De Courcy seized while in prayer and pilgrimage on Good Friday.§ Strongbow, according to the Irish annalists, was the greatest tyrant since the days of Turgesius. "He died full of remorse, smitten by remorse and the saints of God". William Hail wasted the whole island in 1179, not sparing the churches. FitzAdelm was corrupt, sensual, tyrannical, and governed only to enrich himself.|| To finish with the words of Gerald Barry, the "exalting of the Church has been changed into the

\* See Hoveden, *Annals, pars posterior*. They dipped the sacred species of bread in the species of wine.

† Albin O'Mulloy, at the time Abbot of Baltinglass.

‡ See Ware, Harris, and *Life of St. Laurence*.

§ Ware, Harris' *Bishops*, p. 455 ; Leland, ch. 4, 5 ; *Liber munerum, Gesta Anglorum*, p. 52.

|| Leland, book i., ch. 4 ; Archdall.

plundering of the Church".\* I hope I will hear no more of the rectifying of abuses in the Irish Church by Henry and his followers, or of the conformity of the Irish to the English ecclesiastics.

---

### CHAPTER III.

The English and Irish Churches never forming, in the earlier ages, a National Church, as at present understood—"Modus" of Parliament not sent over by Henry the Second.—The Irish Parliament did sit not long after the death of Henry the Second.—Not bound by the English Parliament—Brehon Laws.

UNLESS to persuade people that the supremacy of the English king in ecclesiastical matters was always recognized, I can't see what object Mr. Whiteside has in dwelling on the union of the Churches of England and Ireland, on their forming one National (*sic*) Church. Besides, he asks, why did King John acknowledge that he granted "Magna Charta by the advice of the Archbishop of Dublin"? (page 11 of pamphlet). For this very reason, that Henry Loundres was an Englishman, was a bad man (he went by the name of Scorch-villain among the Irish), and, finally, because he was valued by John for having given him help in the day of his distress, for having spoken insolently to the Pope's legate, and for having been opposed to the surrender of his kingdom as a fief to the Holy See.† Kings Henry and John claimed a voice in the nomination of bishops. They enjoyed a privilege no greater than what the Pope grants to all Catholic princes. At first

\* *Hib. Expug.*, preface, 2nd edition.

† Leland, Ware. He one day got all his tenants together, got them to surrender their leases on some pretext, and threw them into the fire. Several of his attendants being killed, himself narrowly escaped.

bishops were poor in the things of this world, lived on the voluntary donations of the people. By-and-by their sees were endowed—they became temporal as well as spiritual lords. The prince wished to be satisfied of the loyalty of the subject to whom he gave such ample revenues. The Pope thought it not unreasonable to gratify the prince. The English monarch had a voice, then, in the nomination of bishops in Ireland and in every part of his dominions; but in no other sense was he head of the Irish Church. In no other sense did the Irish Church and the English Church form one, than that the same monarch had a voice in both kingdoms in presenting to the vacant sees. Both professed obedience to Rome as if under different monarchs. And by looking into Harris' *Bishops* you will find that sometimes the Pope opposed, and successfully, the appointment of the English sovereigns. The English Church did not appoint to a bishopric, to a prebend, to a single living in Ireland, did not interfere in the holding of synods, did not dare to issue censures, unless on one or two occasions, by the authority of the Pope, when the Irish bishops were deemed rather partial to their countrymen. So far, then, from there being an amalgamation between the two Churches, that even the religious of the Irish within and without the Pale were formed into two provinces, and both quite distinct from the English province.\* The foolish notion of a "national" Church in two nations absolutely managed by the monarch, was reserved for the days of Mr. Whiteside.

I come now to consider two points, on neither of which I agree with Mr. Whiteside. These are the *modus* or form of holding parliament, and the time or birth of the parliament. You will not be surprised to hear him quote Cooke as his authority for forming his opinion on the first. According to him, Henry the

\* *Hib. Dominicana, passim.*



Second transcribed the form of summoning parliament, and sent it to Ireland. Owing to the obscurity in which the matter is involved in Mr. Whiteside's eyes, he hesitates following Cooke, till Dr. Dopping, Protestant Bishop of Meath, discovers the original document, and that establishes the fact in his mind (p. 12). Now, with all respect for Messrs. Whiteside and Cooke, the fact is not established. Prynne and the learned Selden think otherwise. Of what use, sending a writ to hold a parliament, when there was no sheriff, no shire ground, no suffrage? But, then, how are we to get over the original document of Dr. Dopping? To burn it, as every false forged piece should be treated. Now, the form runs thus: "To the archbishops, earls, barons, clergy, knights, etc., etc., in Ireland". Now, the clergy were not summoned to parliament for a considerable time after the death of Henry the Second. But Mr. Whiteside may say that they were not, nor any person actually, but that there was a right given, there was an intention of doing so. There could have been no intention of doing so, because, up to Henry's death, the clergy, as a third estate, were not summoned to parliament. And if, according to the ablest historians, the idea of summoning the clergy arose from chance events after his death, surely he did give a writ in which their names appear as a matter of course. Furthermore, there is an allusion to the precedency of Armagh before Dublin, and, on the other hand, of Dublin before Armagh, according to circumstances.\* Never was the supremacy of Armagh questioned till the issuing of a bull by Pope Lucius the Third. That bull was given in the year 1182. The Dublin bishops did not use it for a considerable time after, to dispute the supremacy or precedence of Armagh.† I am sure of that. The controversy was warmly carried on by-and-by to the bewilderment of the English kings. The controversy was not known or heard of till after Henry,

\* See Harris' *Antiq.* † Jus. Primat. Armacanum—Harris' *Bishops*.

and therefore he did not legislate or word the writ, to reconcile claims that were not made, to settle a controversy that had not arisen. The second point Mr. Whiteside is more anxious to establish—namely, that there was only one parliament for both kingdoms, and that the Irish members were summoned to Westminster (p. 16), and that no statutes appear before the time of Henry the Sixth.

If he looked into the preface of the famous record-compilation, *Liber munerum*, he would learn how, like more precious records, they disappeared. It may seem curious that representatives were summoned over to Westminster in the year 1375, but it is no less curious, that the Archbishop of Tuam did not answer the summons, and that all protested against their right to vote taxes on their nation, that they came to give advice, and not to impose burdens.\* Besides, just two years after the curious summons to Westminster, the clergy of Cashel were fined for not attending a parliament held at Castledermot.† Let it not then be thought that an occasional summons to England supposes the absence of a parliament in Ireland. Blackstone, himself such a stickler for the supremacy of the English Parliament, what does he say? “A tax granted by the parliament of England does not bind Ireland, because they are not summoned over to our parliament”—20th of Henry the Sixth. This was the language of even an English Parliament. And Blackstone adds, that no act from the twelfth of John bound Ireland.‡ In fairness, I acknowledge, he says that the English Parliament could bind Ireland, if it were so pleasing to it. Of course they could bayonet us into the sea at present, if they thought fit and were able. The weaker has only to submit. But Blackstone contradicts Mr. Whiteside, as the latter says there was no parliament for one hundred and forty years in Ireland (that country being ruled by the English), and

\* Leland, Appendix to vol. i.

† Harris' *Bishops*, p. 480.

‡ *Commentaries*, p. 101, vol. i.

the former says, that from the twelfth of King John, none of the English acts bound Ireland. Laws of a general character made in England, and applicable to Ireland, may have been adopted and become binding in the latter country. Such things were not unlikely. Because one great source of clash in opinions, heresy, was cut away, or rather unknown. Because there was an absence of the many complex relations which advancing civilization gave rise to. Above all, because the laws were not made with the aim of exterminating the "Celt with a vengeance", and making the surviving inhabitants beggars at the door of England. For these reasons, some of the laws of England were adopted in Ireland. Such were the thirteenth of Edward the First, and many under Edward the Second and Third. But in the reign of Richard the Third, men were found in the Irish Parliament, who denied that the laws of England could be made binding on a single corporate town, without the consent of the Irish Parliament.\*

King John formed twelve shires in Ireland, and this, according to Mr. Whiteside, was done that there should be no parliament in it. Can he be serious, when he ought to know that the country was parcelled among eight or ten palatines, whose power overshadowed the crown, who claimed little less than kingly authority, who created knights and inferior barons, exercised power over life and death, and within whose palatinate even the king's writ did not run?† These had the country given them on paper; they gave themselves no rest till they made good their title at the point of the sword. Whenever their exchequers or their pockets were empty, they were replenished by going a-hosting into the territories of their inoffensive neighbours. I readily acknowledge there were not many parliaments, properly so called. There was no need of consulting

\* Leland, *passim*. Hallam's *Constit. Hist.*, vol. ii., p. 523.

† Sir John Davis' *Hist. Relations*, pp. 30, 31, fol. ed.



an English or native one for maintaining their camp or extending the limits of the Pale. But when Sir John Davis assures us that each palatine was a sort of king in his own territory, is it likely that he who would not allow the king's writ to run in his own principality, would not be indulged with an image of the English Parliament in Ireland? To me such a state of things appears more to resemble separation than union. One can afford smiling at the argument put forward in page 21, by Mr. Whiteside, that Charles ordered the duties on Irish exports to be raised without consulting Parliament. Does Mr. Whiteside forget that Charles tried whether he could not govern without even an English Parliament? Did he not trample on the Petition of Rights, and did he not pay the penalty by laying his head on the block? Rather look at the demands made by the Catholic agents at Oxford, during the rising of the Pale, in a few years after the time referred to by Mr. Whiteside. They were seventeen in number. The demands of the Confederate Catholics were answered by the Protestant Irish agents. The answers are lengthy, I won't say conclusive. But among the several grievances complained of was Poyning's Act, and a suspension of it called for. The eleventh proposition required "that an act be passed in the next Parliament, declaratory that the Parliament of Ireland is a free parliament of itself, independent of, and not subordinate to, the Parliament of England; and that the subjects of Ireland are immediately subject to your majesty, as in right of your revenue; and that the members of the said Parliament of Ireland, and all other subjects of Ireland, are independent, and no way to be ordered or concluded by the Parliament of England, and are only to be governed within that kingdom by your majesty and such governors as shall be appointed, and by the Parliament of that kingdom, according to the law of the land". It is not so much for its sake I quote this, as to give you the answers to it of the Protestant agents



at Oxford, who opposed every one of the seventeen petitions of the Confederates. Well, the answer to the above proposition is:—"The proposition concerns your majesty's high court of Parliament, both of England and Ireland, and is beyond our abilities, and therefore humbly desire your Majesty's pardon for not answering the same".\* They dared not give any answer, as they attempted to the other sixteen propositions. But whoever made the laws, or whenever first introduced into Ireland, why not have them given to the country as a compensation for the bitterness and disorders of invasion? Mr. Whiteside presumes that, like the Romans (page 6), the English gave the benefit of their laws, and did not churlishly withhold them from our forefathers. I can assure him that our forefathers did not get the benefit of the English laws. They often applied for them, they gave sums of money for them, but to no purpose.† As Sir John Davis remarks, the English were not able to root out the Irish by arms, and yet would not endeavour to win them by the amenities of English law. Of course I except a few families—the O'Neill in Ulster, the O'Brien in Thomond, Melaghlin in Meath, O'Connor in Connaught, MacMurrough in Leinster. The English laws, as a positive fact, *were* churlishly withheld from the mass of the nation. Very inconsistently, Mr. Whiteside (p. 13) says, that the Irish had no laws. What became of the Brehon laws? We are told by Ware that they were a compound of the civil and canon institutes, engrafted on their own national customs.‡

"They were laws in which", says Spenser, "there appears a great show of equity".§ "They were", says Campion, "the several branches cultivated by particular families. The lawyers considered the wrongs offered, and received among their neighbours, whether murder,

\* See Cox, *Hib. Anglicana*, vol. ii., app. 22. † *Hist. Relations*.

‡ Ware's *Antiq.*, p. 20.

§ Spenser's *State of Ireland*.

felony, or trespass. The lords and gentlemen sat themselves on a bank round the Brehon".\* The proceedings wore the appearance of pastoral simplicity. They bring us back in spirit to the days the patriarchs sat under the oak's shade and dispensed justice. In them were no quirks or quiddities, no costly apparatus, no bewildering delays, nothing that savoured of "Jarndyce and Jarndyce". No beggaring suits dragged their slow lengths through several generations; but I submit they were not the less laws on that account. There was a law which tended to bring the arts to great perfection. It assigned a master to preside over each art. He was bound to indemnify for any injury done through ignorance by any of the artists in his line.† If such a law prevailed among us, I doubt would we have so many foolish and third-rate pamphleteers.

---

## CHAPTER IV.

Mr. Whiteside and Macaulay compared—The poor use made of the statute book by Mr. Whiteside—Sumptuary laws, falcons, provisors.

THOUGH I have written at considerable length, I have found matter enough in the first chapter of Mr. Whiteside's pamphlet. Before taking up the second chapter, I will advert to what he says in p. 19. It is worse than a "bull"; there is nothing witty, nothing amusing. It arises from confusion of ideas. After speaking of Poynings' Act, he adds: "The great matter for inquiry thereafter, with the lawyer and antiquarian, shall be, what was the law of England? Because all former acts, at least those lately made, were repealed, and assimilation of the laws of England and Ireland took place".

\*. *Campion's History of Ireland.*

† *Cambrensis Eversus*, vol. ii., p. 193, edited by Rev. Mr. Kelly. *Petrie's Round Towers.*

How could this, the knowing the laws of England, throw much light on the laws of Ireland? Let me suppose that the laws made in Ireland were declared void, and as if they never were, would this satisfy the antiquarian? Certainly not. They may not be of much use to a lawyer, they may not be appealed to as furnishing precedents; but if they were once made, they were immortal facts, and had a value for the antiquarian, independent of legislation. If Mr. Whiteside would have us believe that the laws of England and Ireland were identical, because it was so decreed by Poynings' Act, he committed, at all events, a gross mistake.

One more point touched on in this Chapter, and I am done with it. In page 3, he says there was a prophecy in the old law books, that the Saxons would Christianize the Earth, and that it is being fulfilled by the spread of their religion. It occurred to me that there was too much of the black-lettered, matter-of-fact element in law books, under considerable verbiage, to be the medium of prophecy. Had he spoken of poetry, he may be nearer the truth. The fine frenzy of the rolling eye, the words of fire, the rapid imagination, the shadowing forth the unknown, and the giving to the unreal a "local habitation", these belong to the poet, and can claim closer kindred than the law books with the prophetic spirit. But in sober earnest, setting aside the divinity of religion, which I claim for mine, and would never think of attributing to his, is it in the nature of things, that such a prophecy could be fulfilled? Without pretending to be mathematically correct as to the number of Catholics, to speak within bounds, it may be safely said, that they exceed all other Christian sects. Many good souls, Saxons, did a great deal, once on a time, and may yet, for the spread of religion, but it has not appeared, that their voices as apostles have rung through the Earth, and been the principal medium of carrying tidings of salvation to a Pagan world.



If Mr. Whiteside means, as he must, the Protestant by the Saxon, he ought to acknowledge, apart from a divine commission, the advantages of the Catholic missionary. He goes forth poor, requires only a cassock and a cincture, with a crucifix. No family ties make him falter in a perilous path. Moreover, he may hope for God's special help, visibly manifested, as has been vouchsafed to many a Catholic missionary. He requires no goodly supply of creatures, no entertaining society, no armies to protect. Often he deprecates co-religionists, lest their conduct may be at variance with their profession. On the other hand, look to the embarrassing retinue required by another missionary. The legions must precede and protect him. Considerations of flesh and blood must have their weight with him. Before the Protestant was heard of, who Christianized and gave a shape to the nations of Europe? Who but the Catholic plunged into the lonely primæval forests, and sought out the savage, from Japan to the Atlantic ocean, from the rocks of the Thebaid to the steppes of Russia? And in later ages, the few pounds in the hands of the Propaganda have done more than millions with Missionary Societies. The journeyings of Saint Francis Xavier alone, and even barefoot, amid savage nations, have been computed to be equal to the tour of the globe. Yes, even honest Protestants are not slow to see and acknowledge this. Montesquieu avows that the Jesuits alone healed one of the greatest wounds of humanity. Behold, said the great Leibnitz, China open to the Jesuits. We are not sufficiently united to admit of our undertaking such great conversions.\* Can we forget China, Mexico, and Paraguay? And that we may not travel far abroad, let us look at home, because as much danger awaited the Irish missionary as ever beset the path of the martyr. Is it to this state of things Mr. Whiteside alludes in page 46, when he says that people

\* Letter in Literary Journal of Abbe Feller, August, 1774.



wanted protection for life and religion in Elizabeth's reign, rather than laws? Well, let us hear Spenser: "What a great difference between the priest and the minister! the former comes from Rome or elsewhere, though he has but little inducement, but death awaits him, if apprehended; the other can scarcely be got to stir a leg, though no danger awaits him. He won't move for love of God or the neighbour".\*

The Second Chapter of Mr. Whiteside's little pamphlet opens with very great pretensions. He says that one of the most interesting parts of Macaulay's history relates to the domestic account of the nation; and ours, too, may be made so, by illustrations from the statute book. Even in matter he far yields to Macaulay, but in point of style it no more stands a comparison with him, than a print I bought for two pence a few days ago, does to the "Last Judgment" by Michael Angelo. Exclusive of the puerile discussion on the leprosy, the points to be gathered from the statute book, and introduced by him, relate to the sumptuary laws, to the rare value of falcons, and to "provisions" by Rome. And so these three points are the materials from which a history is to be woven, to rival the charms with which the great essayist is read. Instead of telling us that one hundred pounds were required for wearing fur, would it not be as interesting to mention that, by the 3rd of Edward the Fourth, it was not allowed to wear pikes on the shoes more than two inches long? As he was on the subject of falcons, ought he not add that among the obligations which the prior of some monasteries lay under, was to keep a falcon for the Anglo-Norman baron? Yes, and an action was the result against the prior for letting it escape, though there was mitigation of punishment, as the neglect was not wilful. This surely was no very useful way to rectify abuses, and make the monastic institutions retreats for meditation, study, and useful

\* Spenser's *State of Ireland* in 1596.

labour. With regard to the statutes against provisors, which, Mr. Whiteside thinks, deserve the praise of posterity as being signs of the Reformation, I need scarcely add, that there are two opinions on that point. As well observed by others, they were enacted when those having a tendency to Lollardism were in power. A very canonical way of proceeding was to leave elections in the hands of the chapter. But we should know that before proceeding to an election it was necessary to get the king's leave, *a conge d'elire*, as it was called. And after getting leave, their choice was nullified if not approving itself to the monarch. Was it not well, then, to have the power of the Pope to neutralize that of the monarch? If the Pope allowed, out of his mere bounty, the nomination of a candidate for a prebend or bishopric, was it unreasonable that the monarch would allow the temporalities to follow a worthy appointment by the Pope? Was it not natural that the Pope should be anxious to provide for a benefice in the person of one whom he found faithful and worthy from personal knowledge? Was the Church to become a close borough? There was an effort made of a like nature to keep Romans from the University of Oxford, but the result was a want of healthy competition. There was no stimulus to study. Hence, before fifty years, the Commons petitioned that the law would be repealed prohibiting strangers enjoying a prebend in connection with the University.

Need I remark, that such was the exclusive, narrow disposition of the Anglo-Normans, that they left the parishes vacant, left the people uncared for, rather than have a stranger, or even an Irishman, fill it? This was making a close borough of the sanctuary of God, that ought to have been thrown open to Greek and barbarian. It was making an Irishman an alien in his own land. If there had been fewer of the statutes against provisors, the English Church would have fared better. Had there been less jealousy of the Pope, the Church would not

have become the creature of the State. The breath of the King would not be its life. It is against the King the statutes of provisors should have been enforced. Were such the case, the fees, the livings—I mean the temporalities—would be enjoyed not by Socinian, Arian, dissenting, anti-Mosaic incumbents, but by orthodox Catholics.

---

## CHAPTER V.

Mr. Whiteside's partiality in speaking of Protestant and Catholic Sovereigns—His misrepresentations—The golden age in Catholic times—Geraldines vindicated—Errors of Mr. Whiteside regarding them.

ON first taking up Mr. Whiteside's Lecture, I was surprised to see party feelings show themselves quite unnecessarily. So I resolved to take a note of the objectionable passages. However, I gave up the attempt as impossible; for there is scarcely a page that does not betray the party writer. Having detected him as skilled in the *substitutio falsi*, of course he must be practised in the *suppressio veris*. Without giving a single false statement, one could leave an impression as far from truth as light from darkness. For this art, the artful laying on of colours, there is ample scope in giving the characters after the revolution in religion in the sixteenth century. He blames King James for being anxious to give liberty of conscience to his subjects, and repeal the Act of Settlement, by which so many Irish families were plundered and sent adrift on the world. The plunder was perpetrated to reward those very persons who came to Ireland to fight against the King, and brought that king to the scaffold. On the other hand, he praises William, who, without minding what Miss Strickland says, or Macaulay, or Mr. Whiteside himself, belied his promise, and allowed the Treaty of



Limerick to be dishonourably trampled on, in violation of his plighted honour.\* He censures Queen Mary, because it was reported by Protestants that she *intended* to persecute in Ireland. Now, she had six long years to persecute, and no man, woman, or child suffered the slightest molestation in Ireland on the score of religion. But then, the Pamphleteer says, that just as she died she gave a commission to persecute. Who is his authority? Leland. But Leland does not vouch for it. What is his language towards Queen Bess? She not only intended to persecute, but *persecuted with a vengeance*. Penalties, in the way of fines, transportation, death, were the consequence of professing the Catholic religion. I should fill a volume were I to quote, not the Catholic, but Protestant authorities. The parliamentary records put the matter beyond doubt. And yet, instead of throwing a single shade over her character, he repeats that she realised the visions of the poet. The poet said, that "Truth shall nurse her". I maintain that she was full of duplicity and lying. The poet said, "She was in maiden meditation, fancy-free". Well, is the Pamphleteer in earnest when he subscribes to this character? Does he think we forget the doings of Simier, Hatton, Dudley, etc.? I don't want to occupy space by what is found in every manual of history, unless manuals written by such men as Mr. White-side. The principal fault that can be found with Miss Strickland's queens, is that she makes them heroines too faultless. But with this fault, she will be far from admitting that Bessy kept "in maiden meditation, fancy-free". Every epithet of praise is lavished on another gentleman; he was virtuous, etc. Was he a Catholic? Of course not. He was the first of the nobility taken up, and obliged to sue out his estates by being educated a Protestant; he was one of the most unrelenting enemies of the Catholics for half a cen-

\* Brown's *Penal Laws*.



ture: you all know I mean Ormond. Writing to Ormond, the king says: "If the suspension of Poynings' Law take place, and the penal laws against Papists, I will not think it a hard bargain to do anything not against conscience or honour".\* Now Ormond intercepted the graces, the penal laws were not repealed, and, in consequence, the Catholics did not give the aid that might have kept his head on the king's shoulders. And yet this same man, with puritanical strictness, would not hesitate applying to the Pope for aid.† Again, when the Irish applied for some redress at the Restoration, and wished to get from the king a portion of their property that had been given by Cromwell to his (the king's) father's murderers, Ormond interposed, and quashed their claims. Not satisfied at seeing the Catholics beggared, he sought, by sowing division, to make them weak and contemptible. And Orrery asks him, "whether this may not be a fit occasion, to make that schism you are sowing amongst the Popish clergy publicly to break out, so that we may reap some practical advantage thereby?"‡ How, with these facts, and hundreds of the same character, before one, could Ormond be singled out from so many noblemen as the theme of panegyric?

Mr. Whiteside does not display the patient research, and least of all, the calm thought of many of his co-religionists. For who can count the objectionable passages in the third chapter, devoted to Henry the Eighth? I have no idea of praising Catholic sovereigns, or objection to seeing Protestant ones get a meed of praise in fairness and in truth; but I have no notion of swallowing all that has been said of Harry, even though he were chosen as a subject for panegyric; and, least of all, could I see a man leave the high road of history quite

\* Carte's *Ormond*, appendix ii., *passim*. Charles' works, 149, 150.

† Carte's *Letters*, p. 461.

‡ Orrery's *Letters*, Dec. 14, 1666. French's *Unkind Deserter*, p. 23.

undebateable ground, in order to gratify the prejudices of a clique.

I seize the most salient points as put forward by Mr. Whiteside. "Many useful laws were adopted by the Irish Parliament in his reign: he did not wish to have rents received by absentees through agents, did wish to see the people well fed and clad, and was an enemy to idleness in strong beggars that could work: his theory of a poor law was simple and practical", etc. Why, this were to make him a model king, and would be sufficient to cover the deformity of a thousand crimes and bad traits. Not one of those, however, can Mr. Whiteside find it convenient to allude to for purposes of illustration. I shall not analyse them, but confine myself to what has been said by his advocate. I won't say that he brought forth the so-called Reformation in lust, nursed it in blood and plunder. Among the useful laws imported to Ireland, I wonder is that included, which made the parliament declare Anne Boleyn to be the lawful wife of Henry, and on the next day decreed she was not, having heard of the change and complaisance of the English Parliament? With regard to the heading of laws, it is often fallacious. I found a most villainous law follow a most virtuous title, and the basest motive the moving spring of a law that pretended to the most perfect disinterestedness. The absentee law was conceived in the spirit of selfishness. Let us learn the story from Protestant Cox:—"It is not unworthy of remembrance how this statute came about. The king was inclined to make Aylmer, who was Lord Chief Justice of the Common Pleas, Lord Chief Justice of the King's Bench. The Earl of Shrewsbury, at the instance of his tenants in Waterford, opposed his preferment, on the grounds that he was a 'silly fellow'. On this the king reprimanded Lord Cromwell, who recommended him. But Cromwell insisted that his majesty was misinformed, and that by speaking with Aylmer, he would find him a sensible

person. On this the king asked the reason of the decay of the king's interest. The cunning lawyer said, because those who had estates did not remain to care them in Ireland; that if his majesty seized the estates, that he would find a reformation brought about". The king, of course, from a love of plunder, and not of Ireland, had all the estates vested in himself, the estates of those that could not reside in Ireland, those of Duke of Norfolk, Earl of Shrewsbury, of Prior of Bristol, of Canterbury, of Lanthony, of Curtinel, of Kentesham, of Furnes, of Osny, of Bath.\* I mention all these, that I may ask what were the statutes against provisors doing? What was done by him to have the people well fed or clad? The man that squandered the inheritance of a father, who died one of the richest sovereigns in Europe, who was impelled by his wants to secularize monastic property, who spared no man in his anger or woman's honour in his lust, what special care could he extend to his subjects? He paid the same regard to them that vultures do to lambs. He borrowed money, he did not pay it; a complaisant parliament exempted him from all debts contracted since the thirty-first year of his reign, and even what he did pay, had to be refunded.† He debased the value of the coin, from a shilling to six pence, so that it had to be kept from circulation in the end as valueless.‡ He put on a tax rising from four pence to three shillings in the pound. It is estimated, that his oppressive taxes amounted to more than all his predecessors enjoyed.§ What was the poor law? He ordered collections to be made at churches for the poor, the lame, and infirm, who were thrown adrift on the world by the dissolution of the religious houses. Hence the rebellion in Northumberland. Amongst the list of grievances, the suppression of religious houses occupied a prominent place. And so Henry, in replying, wondered at their conduct, "that

\* *Hib. Anglicana*, vol. i. p. 248. † Saunders, 203; *Lords' Journals*, 265.

‡ Stowe, 537; Fleetwood, 53. § *Apolog. Reg. Poli.*, p. 91.



they should oppose the suppression of monasteries, as if it were not better to relieve the head of the church, than to support the idleness and wickedness of monks.\* No legal provision was made for the poor. Why, then, speak of the poor-law? The poor, who were caressed by the good religious; the young and the timid, who shrunk from the gaze of the cold and grudging and calculating, were received with tenderness as brothers by the good monks. They trained and caressed the young, kissed salt tears from the cheeks of aged woe; they proved themselves the best friends to the interests of humanity. They were easy landowners,† verifying the old saying, that, “it was happier to live under the crozier than the sceptre”; they displayed a munificence in their institutions. Nor was the hospitality a mere indiscriminate dole of provisions, encouraging idleness on the part of the Church. There was no need of borrowing light from the so-called Reformers to see the nature of charity and the evil of idleness. Before Henry the Eighth mounted the throne, one might derive a useful lesson in listening to the discourses of the Catholic Archbishop Fitzsimons. He inculcated the utility of labour, not that it was absolutely necessary, “owing to the abundance of provisions the land produces, but because idleness was the root of all evil, whereas it is a greater charity to find work for them than to relieve them from door to door, for the work is acceptable to God, profitable to the neighbour, and useful to the health of the body”.‡ What writer of political economy, what advocate of the utilitarian system, would wish for sounder views? For the admirable relief then given at the convent gate Henry left nothing in exchange, save the chance alms of the charitably disposed. Even this he took no trouble to provide for

\* Speed, 1038.

† Hume. It is in Henry's reign we meet with the first mention of the law of bankruptcy in the acts.

‡ Harris' Ware's *Bishops*, p. 344.



Ireland, plundered of the provision for the poor so munificently given by our Catholic forefathers. What bad luck, then, made Mr. Whiteside stumble on this topic? Together with making him out a rambling lecturer, it was suggestive of scenes and events that had better been left sleeping in the burial-place of memory. If the people were well fed and clad, such blessings were derived, under Providence, from a sweet, fruitful soil, from laws established in Catholic times, and not from Henry the Eighth. All I could say were weak, in comparison to what the Lord High Chancellor Fortescue says, writing from France in the time of Henry the Sixth, and comparing the laws of the Continent with his own, as shown by the happiness of the people.\* “The King cannot alter the laws or make new ones, without the express consent of parliament assembled.† Every inhabitant is at liberty fully to use and enjoy whatever his farm produceth, the fruits of the earth, the increase of his flock and the like, all the improvements he makes, whether by his own proper industry or of those he retains in his service, are his own to use and enjoy, without let, interruption, or denial of any.‡ If he be in anywise injured or oppressed, he shall have amends and satisfaction against the party offending. Hence it is that the inhabitants are rich in gold, silver, and in all the resources and conveniences of life. They drink no water unless at certain times, on a religious score and by way of doing penance. They are fed in great abundance with all sorts of flesh and fish, of which they have plenty everywhere. They are clothed throughout in good woollens. Their bedding and other furniture in their houses are of wool, and that in great store. They are also well provided with all other sorts of household goods and necessary implements for husbandry. Every

\* De Laudibus Legum.

† In after times the King’s proclamation, Henry the Eighth, had the force of law.

‡ What a satire this on the present miserable position of the tenant!

one according to his rank hath all things which conduce to make life easy and happy". This needs no commentary from me, and, on that account, I offer no apology for its length. They were golden times indeed. *Tempora mutantur!* A sad change, indeed, but that sad change began with the so-much bepraised hero in Mr. Whiteside's third chapter.

A few words in reference to the Geraldines will close this chapter. Methinks they have been harshly, unfairly dealt with in connection with the Irish Parliament. Weighed in Mr. Whiteside's balance against the Ormonds, they are found wanting. There appears to have been very little sympathy for their misfortunes; too little admiration for their deeds of valour. Sprung from as old a stock (and as proud, because connected with them) as the Plantagenets themselves, why forget the many heroic deeds in France, on the Tuscan slopes, on the Syrian plains? "The Geraldines, the Geraldines". Their magnificence, their tendency to sympathize and amalgamate with the Irish, deserving in an especial manner to be called *Hiberniores Hibernicis ipsis*, their readiness to lose their life for the rescue of a poor foster-brother—do not these things appeal to the sentiment of national honour? Or if there be no sympathy for these things, as no qualities will compensate for unshaken loyalty in the mind of Mr. Whiteside, why make them a compound of treasonable selfishness? Who could blame young Thomas for rushing to arms in the flush of youthful vigour, in the confidence of power, under a maddening feeling of revenge, which natural promptings construed into a sacred duty for the father supposed to have been done to death by the English in the Tower? And it is one of the many mistakes in the pamphlet to say, that the father enjoined the rebellion of the son. I was always under a different impression; so I looked into Ware.\* He says, that, so

\* Ware's *Annals*, ad an. 1334.

far from encouraging the rebellion of the son, that the news shot like an arrow through his breast, and in a few days carried him to the grave.

Cox says the same.\* A full page is devoted to a touching address to the young son, enjoining caution, tells him to conduct himself so wisely that he may reach the winter of life, and hopes that, young as he is, he will obey any orders he may send him, told him to be guided by the wisdom of the council-board, and in their presence delivered to him the sword. Silken Thomas may have rebelled, but not from selfishness, and certainly not by the orders of his father.

---

## CHAPTER VI.

The lecturer, Mr. Whiteside, dwindled down to a transcriber—His errors with regard to education—True cause of the death to Irish Parliament—The proper lessons to be read therefrom.

THE last thirty pages of the first part, and almost the entire of the second part, of the pamphlet devoted by Mr. Whiteside to the Irish Parliament, consist chiefly of quotations. Just as much as connects the several passages is given by himself. He even then observes caution. I am glad of it; because, no matter how unmistakeable, all through, be his drift, yet it is pleasant not to meet with the gross errors, and still grosser misrepresentations, that characterize the earlier part of his pamphlet. One passage, however, I take exception to. It closes the last but one chapter of his literary effort. He says that there was a petition in 1795, from some Catholics, protesting against the establishment of a col-

\* *Hib. Ang.*, vol. i., ad an. 1334.



lege, lay or clerical, for themselves. He makes the reflections that one would expect, and dwells on the matter with peculiar emphasis. Now, from the very partial way the petition is given by him, so as to be almost unintelligible, and from having detected him mutilating quotations before, I must say I deny the authenticity or the integrity of the passage. I disbelieve the conclusion he would draw from the petition, if any such existed. When his lectures appeared, some time ago, he was represented as saying that there was a meeting of Catholics in Dublin to protest against separate education. In reply I challenged him to produce his vouchers. Now there is no mention of a meeting, it is a petition, and no mention of Dublin. Again, then, I call on Mr. Whiteside to tell the public, is the petition found in Grattan's works—in the Commons' Journals—where? As interpreted by him, it is nowhere to be found. Not one of the names attached to the document is given. It is an important matter, should he show a petition to that effect from those who may be said to represent the Catholics—not that Catholics, and priests, and bishops, may not differ and undergo a change in matters involving prudential considerations merely. But it appears to me so much affecting morals and discipline, that, to my mind, such persons would cease to be recognized as Catholics. Not allow a separate college even for ecclesiastics! So far could such language, that would urge candidates for the priesthood to the halls of Trinity College, be from being tolerated, that whoever denied the utility or necessity of educating ecclesiastics apart from laics, even Catholics, would call for the special watchfulness of his spiritual superior. The petty sum of eight thousand pounds was voted for the endowment of a Catholic College at Maynooth. The tardy and niggardly instalment of justice was clogged with the ungracious condition that the child of a Protestant or a convert could not be educated there. This exclusive bigoted spirit of legislation may



have called forth the protest against the separation. Or it may have been that a fear was entertained that the state would interfere in regulating and enforcing laws affecting Catholic discipline. This is not impossible, because, by the fortieth of George the Third, in the year 1800, it was agreed on that the visitors or other laymen would not meddle with the internal arrangements or code of ecclesiastical discipline.\* And, indeed, there were some grounds for the apprehension. For, in May, 1799, the Protestant Bishop of Meath, writing to Castlereagh, said, that the principal object in establishing Maynooth was to mould according to the will of government, the clergy, in whose hands lay the training of the people, and that the trustees should, as a majority, be Protestants.† And very naturally, perhaps, with some reason would a person run the risk of going to Trinity College, and let the ecclesiastics go to the college of the Lombards, or elsewhere, for education; rather than have the Protestant Bishop of Meath's project carried out, that of making the Catholic clergy a salaried or chartered police in the hands of government. But if Mr. Whiteside means, as he insinuates, that mixed university education was called for, and that the separate, as we understand it, was objected to, the same appliances, the same facility being given to the Catholic as to the Protestant education,—if in a word, *cæteris paribus*, that the preference was given to the mixed rather than to the separate system, he says what no Catholic will believe on Mr. Whiteside's mere word. Only two years after, Dr. Hussey, Bishop of Waterford, addressed a pastoral to the subjects of his diocese. He touched like a philosopher and an apostolic bishop on a variety of topics bearing on the vital interests of society. The immortal Burke was so charmed with the beauty and solidity of the composition, that he wrote to congratulate him, but, at the same time, told him to prepare

\* *Liber Munerum*. † Wright, vol. iii.

for a prosecution.\* I am getting off in a tangent. In the course of the pastoral the good bishop says: "Do not allow your children to go to any places of education where their faith may be endangered: caution them, complain of them to the Church, and, if necessary, keep them from the holy table". Now, this is the language of Catholics, this is the teaching of the Church in all ages. We are told "to avoid danger lest we perish in it". And whilst the sacred text rings a warning in our ears, to speak of no other objections, no Catholic would be tolerated in giving a preference to such dangerous mixed education. Doctor Hussey was not singular in such language. No priest raised a voice, no bishop raised a voice against the endowment of Maynooth. Eleven bishops were appointed trustees—Right Reverends Dr. Hussey, Dr. French, Dr. Delany, Dr. Tehan, Dr. Moylan, Dr. M'Dermott, Dr. Plunkett, Dr. Egan, Dr. Bray, Dr. Troy, and Dr. O'Reilly.† We know that when the question of the *veto* was ventilated, some of the venerable hierarchy, from a desire to remove shackles from the people, would have some influence vested in the Crown in ecclesiastical matters. The laity, in a spirit of generous rivalry, would not purchase an hour's freedom at the cost of the Church's independence. So, too, there may have been a readiness in 1795 to rest satisfied with the hedge school, rather than accept education under what was feared might become dangerous restrictions. Again, I would fain know where did the strange petition come from. How many signed, and what influence did they represent?

Having noticed the main historical errors in Mr. Whiteside's lectures, it remains for me to observe that it was an ignoble task for a lecturer, the picking out the littlenesses or anomalies of the Irish Parliament. Why,

\* Burke on Irish Affairs.

† By the 40th George the Third, three bishops were appointed visitors—*Liber Munerum*.

the most faultless human institution—not that I look on the Irish Parliament to have been such—must partake of the imperfectness of its origin. Perfect as is the British constitution in the eyes of Mr. Whiteside, some eccentricities may be found in its career. How the “mad” parliament lived and died, and the “wonderful” in Richard the Second’s reign, and the “Barebones”, and the “Rump”; how the penal laws of “vicious perfection” worked; how fines for the poor were levied on recusants, and the Catholic poor would get none because it was their own fault to be poor—for deserving to be fined; how sacred writ as well as the decrees of parliament were made articles of faith; how the same parliament declared Henry the Eighth’s marriage valid with each of his five ladies of pleasure, during the lives of several of them and of his queen, Catherine; how it thanked the infant monarch for the Reformation, and in the next years, “on the knees of their heart”, begged pardon for their sin; how each lady whom the monarch took a fancy to, was bound by parliament to declare the degree of purity she was adorned with, for the royal monster; how an act or proclamation was issued that only Lilly’s grammar should be used through the kingdom; how the English Parliament voted that importation of cattle from Ireland was felony, and, as an amendment, it was put to be adultery. To tell all this, and draw out each point, would, perhaps, afford amusement, but not a lively image of the English Parliament. One may be put on the same shelf with Disraeli on the *Curiosities of Literature*, or Sir Bernard Burke on the *Vicissitudes of Illustrious Families*. One did not give the history of literature, nor the latter of the human race, nor surely did Mr. Whiteside give but the ridiculous of the Irish Parliament. He had no idea of doing anything else, otherwise he might have looked on both sides. For there were bright points, such as may contrast very unfavourably to the Imperial Parliament in which the honourable gentleman acts so distinguished



a part. Why not allude to the fine put on the lord for every emigrant that left his district by the Irish Parliament? What a censure this on the awful exodus of our own times ! Why not allude to a decree in 1379 by the Irish Parliament, that absentees should bear two-thirds of the burdens of the state ?\* What a lesson does not this read to those who, by carrying the Union and be-praise it as Mr. Whiteside, made Ireland the land of absentees, and by this fact multiplied her taxes—giving less straw and requiring double brick. And, if Mr. Whiteside had not the large heart of a philanthropist, and the generalizing spirit of a philosopher, for striking out some brilliant beneficent theory, yet would I expect him to point to the narrow basis of representation, as one of the causes of death of the Irish Parliament.

It was very easy for Mr. Whiteside to point to the inconvenience of two parliaments in the event of the two differing on the choice of a regent, or on the adoption of laws providing for the commercial prosperity of both countries. He found it much to his purpose to say that England never gave up the right of legislating for Ireland. A flattering unction that, to think of the unpurchaseable integrity of present members, in comparison to the venality in the old parliament. But there was not a word of the tempter, of the millions that were expended, the moral virtue that was so sorely tried, and the physical courage often tested, in order to sap and terrify, and carry the Union. No hard task was it to allude to an awful rebellion, and be silent on the connivance or encouragement given by government to it, in order to sicken men's minds, and make them long for repose at any cost. It was very amusing to call for the ridicule of his hearers on the undignified conduct of the Irish Parliament in getting into the merits of every petty grievance. The more so, as he can promise us that the Imperial Parliament will not stoop to a concern about our grievances, petty or enormous. He

\* Leland.



mentioned what was accidental. He did not touch on the spirit by which it lived and by which it died. He did not bring before us the narrow feeling, the persecuting feeling that was the soul of the Irish Parliament. Sir John Davis tells us that the English monarchs issued orders to have the Irish admitted to the benefit of English laws, but that the Irish Parliament disregarded them. Such was the unnatural relation in which the natives and Anglo-Normans stood, that the privileges of a commoner were denied to one who had an Irish servant. He was not allowed to accompany, for honour or protection, his master to the house of parliament.\* This state of things continued for four hundred years. And when, by and by, the Pale disappeared, and all subjects in the realm were made sharers in the privileges of the constitution, the *moral* pale continued. National animosities, religious rancour, built as great a wall of division as any physical boundary. In order to indulge religious prejudice, the love of ascendancy, they allowed persons to be returned for parliament in boroughs not at all qualified; boroughs which the members never saw, without at all issuing writs, in fact, in violation of all precedent, they allowed the house to be swamped. And by and by, when dark times came on, the dissenter called for punishment on himself, by insisting on test oaths in order to punish the Catholics. And then, when they were ground to the Earth, so that they dare not raise their heads, when all fear of rivalry or opposition was removed, when the Catholic was in a state at which the hardest heart should rue, there was no touch of pity, no thought of easing the irons that were eating into the very soul. The concessions were so slow and wretched, as to make one smile, if it were not a mockery of woe. Even that, wretched as it was, appeared wrung from necessity. By the eleventh and twelfth of George the Third, leave was given to reclaim only the bog, for

\* Leland, *Liber Munerum*.

which a lease was given for a term of years, but if half were not reclaimed in twenty-one years, the reclaimed part was forfeited.\* The Catholic was made a hewer of wood. Without the pretence of being overridden by the English Parliament, the Irish Commons allowed a cruel sort of rent called "quarterage" to be levied on Catholics, even so late as 1773. The pretended object of the tribute was to provide all regalia and banners for the different fraternities, for the support of a reduced freeman, waiting on the mayor on days of solemnity, and providing anniversary entertainments.† In the same year, the fell spirit of jealousy made them pull out two eyes from themselves, in order to pluck one from the Catholic—I speak metaphorically. By the labour of a slave, without the expenses that are incidental to a state of enjoyment, the Catholic amassed money. The Protestants were embarrassed. To coax the money a bill was brought in, to give security for money advanced on a mortgage of land. It was thrown out on the grounds that the Protestant would be made dependent on the Catholic, and that money on mortgages might be left to any heir, but that, if left to themselves, they may expend it on land, and that the land could and should be given to a pervert in a family. Short-sighted, suicidal reasoning!‡

In 1776 American independence was granted, and in October the same year, a relief bill allowing leases for 999 years was granted.§ Fear of an invasion generated liberality. And when the Irish Parliament assumed an erect, independent position in 1782, at the era of the Volunteers, when the spirit of persecution might be supposed to be exorcised in a paroxysm

\* Brown's *Penal Laws*, p. 316.

† *Commons' Journal*.

‡ *Liber munerum*, part vii.

§ Wyse, p. 101. Cath. Assoc. *Liber Munerum*. A convert could not claim the benefit, nor one who allowed a child under four years to be trained up a Catholic.

of gratitude and joy—this very year the monastic bodies would have been suppressed, were it not for the influence of Arthur O'Leary.\* Maynooth endowment was granted lest the clergy, educated abroad, would become revolutionary. The relief bill was given in 1793 admitting Catholics to vote, though contemptuously rejected the year before. Why was this? Burke tells, because there was fear of an invasion. Because, in the contest between the Irish Parliament and England, there was a desire to have the voters slaves to landlords.† A narrow, ruinous feeling characterized the Irish Parliament. The mass of the Catholic population was of no political consideration in the first half of the eighteenth century; their weight was as dust in the balance. Hence the contest was between the Protestants in Ireland and the English. The Irish interest suffered; it was in half despair the Irish Parliament roused itself. Division among the Irish gave a triumph to the English. In the latter part of the century Catholics fared better, because the Parliament and the English were bidding for them. Whatever was got was given to fear or self-interest. And what originated the idea of an union? We have the great authority of Burke, that it arose from a desire to keep the mass of the people from power. This he said so early as 1792 (Burke on Penal Laws). The Catholics admitted to the franchise, to the several offices of trust and emolument, it was feared that the ascendancy would be lost. As in the time of James the First, the Parliament allowed the house to be swamped by undue elections, so in 1800 it annihilated itself to be true to its narrow jealousy. It became a slave, for the pleasure of whipping those on the round below it. There was corruption, but it was practised for an end. There was the foul dog of rebellion let loose over the land, when the

\* See Life, by Dr. England.

† This is the view taken by Wyse, who says the south, covered with Catholic tenants, would be an accession.



government might have kept it in a leash. It was done for an end. Mr. Whiteside is wrong in saying that the Union took place as a consequence to the rebellion. The rebellion, on the other hand, took place as a means to the Union. The Irish Parliament lived in a narrow jealousy, and by a narrow jealousy it died. On the best authority, then, do I say that a love of ascendancy, fear of equality, influenced the Union. The great philosopher and statesman, Edmund Burke, said the idea originated in 1793 from such a motive. Even in the year 1799, at the instance of Lord Castlereagh, applications were made to the Right Reverend Dr. Bray, to have signatures procured *discreetly* for the Union in Tipperary and Waterford. The Catholics and Catholic hierarchy were left to believe, that till the Union was carried they could not expect emancipation; that the Irish Protestants, left to themselves, would be weak against the Catholics, but that commingling with the English, they could be strong enough to afford doing justice to the people of Ireland.\* So certain is this matter, that the ministry who promised, pledged themselves not to take or keep office, unless emancipation were given to the Catholics. Emancipation was not given, and the dishonourable members did after take office.

My object in saying thus much, is to show that carrying of the Union was made a condition for Catholic relief. Accordingly, as I said, Dr. Bray was applied to. To his honour be it said, that he refused going against the wishes of his people. He did not wish to sell his country for partial relief. Full justice has not been done to the Catholics and their venerable hierarchy. More than once I remarked there was a bidding for the Catholics during the volunteer movement. The English government, or officials in Ireland, promised the Catholics great things. They wished to have them look

\* See Plowden's *Ireland*, *passim*. Brown's *Penal Laws*, p. 366.



to the parliament rather than to the convention. A statement was put forward by Sir Boyle Roche in the name of the Catholics, to the effect that they had no sympathy for the volunteer movement, and valued not the concessions by the convention. What was done? Why, the Catholics called a meeting, presided over by Kenmare, and declared, "that they were thankful for the efforts made by their countrymen, and that they would be grateful for what indulgence the legislature would extend to them; and they did not differ so much from the rest of mankind, as not to wish to remove their shackles, and that these resolutions be sent to the Earl of Bristol, the Protestant Bishop of Derry". If all were influenced by a national sentiment, the independence of the country would be secured. It is said there was no alternative between separation and union. But what created this critical conjuncture, this dilemma? Was it the Catholics? Certainly not.

Is it so certain that there would be a separation? Of three classes the community was formed. The Dissenters were disloyal; the Protestant oligarchy were for maintaining connection with the crown of England; the Catholics, the most numerous, were slow to catch the flame of revolutionary feelings. Burke tells us that the Catholics were disaffected only because they came in contact with the Dissenters.\* Nay more, the Catholic Hierarchy raised their voices in solemn warning against the seduction of French ideas. To the same effect spoke Arthur O'Leary in his address to the people of Ireland some years before, than whom no man exercised a greater influence on his generation. Right Rev. Bishop of Galway addressed a pastoral to his people, denouncing in the strongest terms any connection with the French.† An Augustinian friar stood sentinel at the bridge of Galway (his name, I think, was Joyce) to prevent the disaffected from entering the town.‡ The same warning

\* Burke, M'Nevin's pieces of History.

† Wright, vol. iii.

‡ Hardiman's *Galway*.

was given by Dr. Moylan, of Cork, Dr. Hussey, and others.\* Naturally there was a fear that the Irish would be ready to seize an opportunity of rising on their masters, as their neighbours the French, and avenging the tyranny of six hundred years. For the French *roturier*, in the most insolent mood of the *noblesse*, were in an Eden in comparison to the Irish Catholic. Did not the Catholic show as much moderation in the exercise of the little power he was clothed with as any man under the circumstances? There was a fear that the Irish would rise and inflict an awful retribution. Who gave grounds for that for centuries? Was there anything done, even before its dissolution, by the Parliament, but what appeared generally to proceed from the most selfish motives? Nothing was done to knit together the several children of the nation, and rest the constitution on the broad and sure basis of their affection. Want of representation, directly or mediately, was a powerful, I might say the chief cause, of death to the Irish Parliament.

Of course there were terrible influences at work from without, but the knowledge of an empiric might enable Mr. Whiteside to see that the Irish Parliament in its constitution bore the seeds of decay and of death. Is it to no purpose history unrolled its volumes before him? Wherever the representation was confined to a pure minority, no matter how ardent the thirst for freedom, corruption and decline were the consequences. Want of proper representation was a powerful cause of decline to pagan Rome, to the old Grecian states, to the republics of the middle ages. So fared it with the Irish Parliament. It was class legislation. The pure minority legislated for, or I should say against, the majority. No new life poured into the constitution from the masses. The Parliament bred in and in. It was like a pyramid supported on its apex. For six or seven years Catholics,

1787

\* Wright, vol. ii.

indeed, had the right of voting. But it was too late. The Irish Parliament was oddly balanced, the attacks against it were violent, and it fell. Not a word of this from Mr. Whiteside.

It did not suit the views of the lecturer to point to those defects, because it is to be feared that there is not a yet a sufficient representation. It is idle to talk of a certain proportion graduated according to wealth. Though all the Irish members were free and fairly influenced, what could they do against such odds? When there is a dispositon to legislate for one country at the expense of another, of what use to the latter the enjoyment of equal laws? There was a complaint in parliament against the conduct of the first of the Georges, because his legislation was more suited to the principality of Hanover than the meridian of London. The same may be said of Ireland. The two countries are geographically distinct. The wide sea runs between them. The genius of the people different in both countries. No effort made on the part of the executive to modify as much as possible the execution of the laws, and bring them in harmony with the feelings of the people. I am afraid of going beyond the object proposed to myself, but I cannot help alluding to the crippling of the commercial, agricultural, mechanical interests, without any concern to the Imperial Parliament. In imagination or on paper there may be a union, but there is no natural or lasting union. England can afford this for some time, because, after all, viewed in connection with Great Britain, Ireland is only a portion, and far the smallest portion, of the empire, and so may be ruined while the rest exhibits an unhealthy vigour—nay, by the fact England may become internally, socially more prosperous, but internationally weak. Ireland may become the mother of flocks and herds, an out-farm for England; but so surely as the water finds its level, or that bodies fall to their centre, the policy will react and bring on a fearful retribution. Were





3 0112 061911092

there no other grievance crying for it, that monstrous incubus of the Church Establishment were sufficient to invoke it. I turn to Montesquieu, who says "that wherever the legislative becomes as corrupt as the executive, that nation will fall".\* English legislation is not favourable to Ireland, and whatever rays of justice are directed to it, are refracted in the atmosphere that surrounds the executive. It appears on the bench, on the board of guardians, on the grand jury. The stream of justice appears polluted at its outfall, and is not free from pollution at its source. Till a more generous spirit actuates the English, there is not sufficient representation for Ireland. These are the lessons I derive from contemplating the causes of decline to the Irish Parliament. The result, of course, may be slow to the empire, but no less sure than to the Irish Parliament. There is not a system of education, a poor-law system, in harmony with the feelings of the people. There is not a due fence thrown around the suffrage. "The object of qualification", says Blackstone, "is to raise the voter above influence".† Need I repeat that the unnatural relations of landlord and tenant render this impossible? Want of representation is a reflection, or its necessity, that comes from a review of the Irish Parliament. We feel the same want now. It gave the death-blow to that parliament, and, as sure as the morrow's sun, it will tell with the same result on the Imperial Parliament.

\* Montesquieu, *Spirit of Laws*.

† *Commentaries*, p. 173.